

BRETT A. SHUMATE  
Assistant Attorney General  
Civil Division  
ERIC J. HAMILTON  
Deputy Assistant Attorney General  
JOSEPH E. BORSON  
Assistant Branch Director  
KATHRYN BARRAGAN (D.C. Bar No. 90026294)  
Trial Attorney, U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, N.W.  
Washington, D.C. 20005  
Tel.: (202) 598-7696  
Email: kathryn.e.barragan@usdoj.gov  
JASON ALTABET (Md. Bar No. 2211280012)  
Trial Attorney, U.S. Department of Justice  
Tel.: (202) 305-0727  
Email: Jason.k.altabet2@usdoj.gov

*Attorneys for United States*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

NEETA THAKUR, <i>et al.</i> ,	)	Case No. 25-cv-4737-RFL
Plaintiffs,	)	
v.	)	<b>FEDERAL DEFENDANTS' UNOPPOSED</b>
	)	<b>ADMINISTRATIVE MOTION FOR A 7-DAY</b>
	)	<b>STAY OF CERTAIN OBLIGATIONS AND</b>
DONALD J. TRUMP, in his official capacity as	)	<b>DEADLINES IN LIGHT OF LAPSE OF</b>
President of the United States, <i>et al.</i> ,	)	<b>APPROPRIATIONS</b>
Defendants.	)	Judge: Hon. Rita F. Lin
	)	
	)	
	)	

Pursuant to Civil Local Rule 7-11 and Federal Rule of Civil Procedure 6(b)(1)(A), Defendants hereby move the Court for an order staying certain obligations imposed upon it by the Court's Preliminary Injunction Order dated 9/22/2025, ECF No. 134, and the Court's Minute Order dated 9/30/2025, ECF No. 139, for 7 days, specifically for DoD and NIH to reinstate terminated grants that have not yet been reinstated, and continuing all such deadlines for 7 days.

FED. DEFS' STAY MOTION  
CASE NO. 25-CV-4737

1           1.       At midnight on September 30, 2025, the appropriations act that had been funding the  
2 Department of Justice expired and appropriations to the Department lapsed. The same is true for other  
3 Executive agencies, including the federal Defendants. The Department does not know when funding  
4 will be restored by Congress.

5           2.       The Anti-Deficiency Act, 31 U.S.C. §1341, as construed by the Attorney General,  
6 provides that in the absence of appropriated funds no obligation can be incurred except for the protection  
7 of life and property, the orderly suspension of operations, or as otherwise authorized by law. Absent an  
8 appropriation, Department of Justice attorneys and employees of the Defendant agencies are prohibited  
9 from working, even on a volunteer basis, “except for emergencies involving the safety of human life or  
10 the protection of property.” 31 U.S.C. § 1342. An officer or employee of the United States who violates  
11 31 U.S.C. § 1341(a) (obligate/expend in excess or advance of appropriation), § 1342 (voluntary services  
12 prohibition), or § 1517(a) (obligate/expend in excess of an apportionment or administrative subdivision  
13 as specified in an agency’s regulations) “*shall* be subject to appropriate administrative discipline  
14 including, when circumstances warrant, suspension from duty without pay or removal from office.” 31  
15 U.S.C. §§ 1349(a), 1518 (emphasis added).

16           3.       Undersigned counsel expects to be furloughed for the duration of the lapse in  
17 appropriations.

18           4.       In addition, the work of employees from defendant agencies NIH and DoD is also  
19 necessary. As noted in Defendants’ status report dated 9/29/2025, NIH anticipated that it needs to  
20 review 9 remaining non-UC grants to determine UC researcher involvement. ECF No. 138 at 1-2. NIH  
21 represents that its grants office staff are furloughed thereby impeding those efforts.

22           5.       As noted in Defendants’ status report dated 9/29/2025, DoD is continuing to work to  
23 identify and reinstate UC-related grants and subawards by October 10, 2025. *Id.* DoD represents it will  
24 continue to work towards compliance, but that a lapse in appropriations will impact DoD’s practical  
25 ability to meet its October 10, 2025 deadline. The grants are dispersed throughout DoD components,  
26 many of which are in the process of establishing which staff will be furloughed due to the lapse in  
27 funding. A significant portion of DoD personnel will be furloughed. Should the lapse in funding be

1 short, then DoD believes it can likely maintain the October 10 deadline, but if it is longer, then it will  
2 become substantially more difficult.

3 6. Undersigned counsel therefore requests a stay of the Court's Preliminary Injunction  
4 Order dated 9/22/2025, ECF No. 134, and the Court's Minute Order dated 9/30/2025, ECF No. 139,  
5 insomuch as they require specifically for DoD and NIH to reinstate terminated grants that have not yet  
6 been reinstated, for 7 days. And the Government requests a 7-day stay of the present October 10  
7 deadline for an additional status report on compliance. The Government is not seeking to stay the  
8 preliminary injunction orders generally.

9 7. Although this Court has authority to extend or stay these deadlines without a formal  
10 motion or notice to opposing counsel, *see* Fed. R. Civ. P. 6(b)(1)(A), undersigned counsel contacted  
11 Plaintiff's counsel on October 1, 2025, and requested Plaintiffs' position on a limited stay of certain  
12 deadlines in this case. *See* Decl. of Jason Altabet (Altabet Decl.) ¶ 3. Plaintiff's counsel graciously  
13 stated that Plaintiffs would not oppose a 7-day stay as set forth above. Altabet Decl. ¶ 3.

14 8. If this motion for a stay is granted, and the lapse in appropriations continues for more  
15 than 7 days, undersigned counsel expects to return to the Court to advise on whether additional time  
16 would be needed in consultation with Plaintiffs.

17 Therefore, although we greatly regret any disruption caused to the Court and the other litigants,  
18 the Government hereby moves for a stay of the Court's Preliminary Injunction Order dated 9/22/2025,  
19 ECF No. 134, and the Court's Minute Order dated 9/30/2025, ECF No. 139, insomuch as they require  
20 specifically for DoD and NIH to reinstate terminated grants that have not yet been reinstated, until  
21 Department of Justice attorneys and other personnel of Defendant agencies are permitted to resume their  
22 usual functions.

23  
24 DATED: October 2, 2025

Respectfully submitted,

25  
26 BRETT A. SHUMATE  
27 Assistant Attorney General  
Civil Division

28 FED. DEFS' STAY MOTION  
CASE NO. 25-CV-4737

1 ERIC J. HAMILTON  
2 Deputy Assistant Attorney General

3 JOSEPH E. BORSON  
4 Assistant Branch Director

5 /s/ Jason Altabet

6  
7 JASON ALTABET (Md. Bar No. 2211280012)  
8 Trial Attorney, U.S. Department of Justice  
9 Tel.: (202) 305-0727  
10 Email: jason.k.altabet2@usdoj.gov

11 KATHRYN BARRAGAN (D.C. Bar No. 90026294)  
12 Trial Attorney, U.S. Department of Justice  
13 Civil Division, Federal Programs Branch  
14 1100 L Street, N.W.  
15 Washington, D.C. 20005  
16 Tel.: (202) 598-7696  
17 Email: kathryn.e.barragan@usdoj.gov

18 *Attorneys for United States*  
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